G. R. S. App. F. IX-4]

1943 - 44

W File No. 22 - 43

Previous References.

(War)

Serial Nos. 13(a) & 14.

Later References.

P 6

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only.

Part B for November 1943.

SUBJECT.

Amendments to the Defence of India Rules.

M Krishnan
30.XI.43

13(a) From The Secy to the Govt & Chief Resident. F. 94-42/w dd 28th Sept. R. 43 forg a copy of Defence Dept Memorandum to all Chief Secys re. powers to compel Govt servants to perform Civil Defence duties.

The Memorandum details instructions to be issued that Govt servants should not be the subject of orders issued under Rule 120 C of the Defence of India Rules since the ARP Govt Services Ordinance provides adequate powers for compelling Govt employees to perform assigned ARP duties. If approved they will be transferred to the Govt Secrett for information and such further action. Orders for perusal.

(RS) 2/X 1. Rule 120C is now embodied here.

2. Please send up a copy of the Rules for perusal.

H.S. R.S. 9

Their view is evidently that Rule 120C which gives power to impose Civil duties on Servants of the Crown. A similar rule has not been applied here. Orders whether a similar rule may be applied here and the Govt file sent to Govt Secrett for necessary action. Govt is now under consideration if the object of the rule cannot be achieved by issue of executive instructions without the rule with the experience of Indian Rules.

SG

12/11/43

Dr Deccan Devaswom Servants Rules
on the lines of Rule 120 of Civil Rules
as adapted
following Rule)

26/10

A Copy of Dft may be put up
for comn.

OFFICE 2618 RT. 3. NOV 1943 GOVT. OF MY

Subd with a draft Notification
(RS)
2/11
Secy)

2/11.

Dft notfn for comn.

Min Edn
& Dewan

WO 8/11/43

Thro Secy Law

SECY. LAW DEPT. GOVT OF MYSORE

R.O. R 63

13/11/43

2903 SECY. LAW DEPT. 4662 12 NOV 1943 GOVT OF MYSORE

The words "Subject to the conditions specified in clause (a) of the proviso to sub-section (3) of section 240 of the Government of India Act" in the draft notification may be omitted.

BR 10/11

Law Secy)

10-11-43

12-11-43

13/11

Dewan

WO 13/11/43

16/11/43

WD 0972—GPB—10,000—21-10-42

TYPING SECTION 15 NOV 1943 GEN & P.V. SE

2728

Draft notfn
No. W 1031 dt
23-11-43.

Asst Secy

WO 15/11/43

15/11

W 22-43-13 (a)

849 W

Copy of Memorandum No.1284-SM/42, dated the 14th August 1943, from the Under Secretary to the Government of India, Defence Department, New Delhi, to all Chief Secretaries (except Bombay and Punjab); Home Secretary to the Government of Bombay; Joint Secretary/Commissioners (except Andaman and Nicobar Islands).

To the Govt of the Punjab Home Deptt; All Chief

- - - - - -

Power to compel Government servants to perform civil defence duties. - Reference this Department letter No.1284-SM/42, dated the 18th May 1943.

- - - -

Not received

It has been represented that rule 120C of the Defence of India Rules should not be applied to Railway servants to impose on them duties unconnected with the running of Railways. During an emergency maintenance and operation of the railways will be of paramount importance and extraneous duties should not be imposed on them. So far as the provision of adequate A.R.P. services for the protection of railway property and personnel is concerned, the Railway A.R.P. Services Ordinance (No.XXI of 1942) already provides adequate powers for compelling railway employees to perform assigned A.R.P. duties. It is, therefore, considered that railway servants should not be the subject of orders issued under rule 120C of the Defence of India Rules and I am to request that instructions may be issued by the Provincial Government You accordingly.

- - - - - - -

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE.
Bangalore, 28 September 1943.

No.F.94-42/W.

Copy forwarded to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore,

for information and such action as may be considered necessary.

By order, etc.,

for SECRETARY TO THE RESIDENT.

29 SEP 19 ... MYSORE

MAP.

Appendix F. G.—1]

SUBJECT.....

.....

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Section IV
File No. 22-43.
Serial No. 14.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *194* .

Date of issue.... 23/11/43

Signed by... Mr. S. R. K. ....

List of enclosures.....

Copied by.....

Examined by.....

No. IV/1031

To Notification

In exercise of the powers conferred by Section 2 of the Delhi and Ajmer Act, 1939 (XXXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Delhi and Ajmer Rules in force in Mysore, Namely:—

After rule 120 B of the said Rules, the following rule shall be inserted, Namely:—

"120 C. Power to impose Civil duties on Servants of the Crown—

"(1) The Govt may, if it considers it
Necessary or expedient so to do for
Securing the defence of Pakistan
Public Safety or the Maintenance of public order
or for Maintaining supplies & services
essential to the life of the community, by
general or special order requiring any person or
class of persons in the civil service of Govt
to perform such civil duties within the
Station in which such person or persons are
for the time being employed as may be specified
in the order,

(2) Any person to whom an order under
Sub-rule (1) applies shall, Notwithstanding, that
he is otherwise employed in the Civil Service
of the Govt, continue to perform the duties
imposed on him by the order until he is
relieved thereof by Competent authority,

(3) If any person contravenes the provisions of any such
order made under this rule, he shall be
punishable with imprisonment for a term which
may extend to one year, or with fine, or
with both"

B. O

W 8/11/47

Chief Secy to Govt of Pak 8/11

Complete MS for publication in
Part IV of the Gazette of a supply of 100 copies
to this office, 25 to D.G.P. & 20 each to Secy of Advt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. W.1031-W22-43-14 *Dated Bangalore,* 23 November 19 43.

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939) as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Defence of India Rules in force in Mysore, namely:-

After Rule 120B of the said rules the following rule shall be inserted, namely:-

"120C. Power to impose Civil Duties on Government servants.—

(1) The Government may if it considers it necessary or expedient so to do for securing the Defence of India, the public safety or the maintenance of public order or for maintaining supplies and services essential to the life of the community by general or special order require any person or class of persons in the Civil Service of the Government to perform such civil duties within the station in which such person or persons are for the time being serving as may be specified in the order.

(2) Any person to whom an order made under sub-rule (1) applies shall, notwithstanding that he subsequently ceases to be in the Civil Service of the Government, continue to perform the duties imposed on him by the order until he is relieved therefrom by competent authority.

(3) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

By Order,

for Chief Secretary to Government.

To

The Compiler, Mysore Gazette for publication in the Gazette, Part IV of the Gazette and supply of 100 copies to this office, 25 to Inspector General of Police and 20 each to the Deputy Commissioners of Districts.

Aga/12.